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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,229	01/29/2001	Robin Young Smith	9258-2	9684
7590	07/27/2005		EXAMINER [REDACTED]	TO, BAOQUOC N
Mitchell S. Bigel Myers Bigel Sibley & Sajovec Post Office Box 37428 Raleigh, NC 27627			ART UNIT [REDACTED]	PAPER NUMBER 2162

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/772,229	SMITH ET AL.
	Examiner Baoquoc N. To	Art Unit 2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 April 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,3,5-11,18-20,25,26,28-34,41-43,45,46,48-54 and 61-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 2-3, 5-11, 18-20, 25-26, 28-34, 41-43, 45-46, 48-54 and 61-66 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 2-3, 5-11, 18-20, 25-26, 28-34, 41-43, 45-46, 48-54 and 61-66 are pending.

***Election/Restrictions***

2. Restriction to one of the following invention is required under 35 U.S.C. 121

I. Claims 2-3, 5-6, 8, 11, 64, 25-26, 28-29, 34, 65, 45-46, 48-49, 51, 54 and 66 are drawn to retrieve the target chemical from the database structure, which is classified in Class 707, subclass 3.

II. Claims 7-10, 31-33 and 50-53 are drawn to displaying target chemical including the chemical structure, which is classified in Class 345, subclass 700.

III. Claims 18-20, 41-43 and 61-63 are drawn to electronic ordering the target chemical, which is classified under 705, subclass 26.

3. Inventions I, II and III are related as subcombinations disclosed as usable together a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I is drawn to searching and retrieving target chemical. The displaying of the target chemical in the invention II is utilized to display chemical structure for the target chemical. And generating of an electronic ordering of the chemical in the invention III is used obtains the reagent chemicals in order to synthesize the target chemical. See M.P.E.P 806.05(d)

3. Because of the inventions are distinct for the given reasons and have acquired in a separate status in the art as show by their different classification, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even through the requirement be traversed (37 CFR 1.143).

6. Application is reminded that upon cancellation of claims in compliance with 37 C.F.R. 1.48(b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a diligently-file petition under 37 C.F.R 1.48(b) and by fee required 37 C.F.R. 1.17(h)

7. Response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communication

### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-

4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To  
July 21st, 2005



JEAN M. CORRIELUS  
PRIMARY EXAMINER